

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CT-3096-D

EDDIE JOE WALKER,)
)
Plaintiff,)
)
v.)
)
HARRY LAPPIN, et al.,)
)
Defendants.)


ORDER

Eddie Joe Walker (“plaintiff”), a federal inmate at the time this action was initiated, filed suit pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) [D.E. 1]. On October 20, 2009, the court reviewed the complaint and directed the clerk to maintain management of the action [D.E. 4]. Walker died on June 30, 2009 [D.E. 3]. On July 22, 2010, counsel for Walker’s estate filed a motion to substitute the estate as party plaintiff [D.E. 11] and a motion for extension of time to serve summons [D.E. 12]. On December 9, 2010, counsel for Walker’s estate and the United States Attorney’s Office filed a joint motion for an extension of time [D.E. 17] for “Plaintiff’s Estate to file an amended complaint and Defendant(s) to file responsive pleading(s).” Joint Mot. Extension Time at 1.

The motion to substitute Walker’s estate [D.E. 11] as party plaintiff is ALLOWED. The joint motion for extension of time [D.E. 17] is ALLOWED IN PART, and plaintiff shall have until February 24, 2011, to file an amended complaint. The motion for extension of time to serve summons [D.E. 12] is DENIED AS MOOT. Once plaintiff has filed an amended complaint, the court will conduct a frivolity review. As requested by the United States Attorney’s Office, any

defendant(s) shall have sixty days from service of process in which to file an answer or other responsive pleading.

SO ORDERED. This 14 day of December 2010.


JAMES C. DEVER III
United States District Judge